

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

HASSAN KHAN

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NO. 15-cr-804 (JSR)

SENTENCING MEMORANDUM
ON BEHALF OF HASSAN KHAN

Dear Judge Rakoff,

He had it made. He was young. He was successful. A medical doctor with all of the accompaniments that one would expect. The world was at his doorstep. Until it closed violently shut. “What if I had not gone online that day? What if I never sent that direct message? What if...”

I have to imagine that Hassan Khan’s days are plagued by “what-ifs” lately. I am hoping this sentencing letter will shed light into Hassan Khan’s character, and the type of person he is, divorced from these charges, in order to assist you as you make a sentencing decision that is consistent with 18 USC § 3553.

I was hired by the Khan family almost a year ago to represent him on his current charge of *Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity (18 USC § 2422(b))*. While every case I have handled like this presented its own set of challenges, this one really stood out. The reason for this is not what you might think. Most people would think it is because Hassan Khan was a bright young doctor just starting his medical residency, and a soon to be

lucrative career. While that happens to be true, the reason why this case stood out so much for me had little to do with Hassan's lot in life. In fact what he chose to do for a living was just an extension of who he was. The real reason this case stood out was because of his family.

Many times when I have defended clients charged with similar offenses, there is something in their past, or their upbringing that was very damaging, or detrimental to their childhood that left a permanent mark on the client. While it is not a pass to commit crimes such as these, it certainly causes one to pause for a moment and think would their life have been any different had "x" not happened to them? It is usually that very thing that I am able to bring to light in order to help bring about some understanding for the behavior of the person who stands before the Court on sentencing. Such is not the case with Hassan Khan. By all accounts, Hassan came from a family deep rooted in love and devotion to one another. Hassan, being the only son out of six (6) children was given more responsibilities and shouldered more of the workload by default. While many would complain or get annoyed with the uneven workload expected between siblings, Hassan thrived in it. It is almost as if Hassan longed for the ability to go above and beyond that which is normally expected for a son to do. As I got to know Hassan better, I really got a chance to see what a selfless person he truly is. As the facts of the case emerged, it began to appear even more incongruent with the person I knew as Hassan Khan. If ever I was bewildered beyond imagination as to the nexus associated with a client and their corresponding charge(s), it was now.

I wish I had an explanation that would make sense for the victim, her family, and this Honorable Court – but I do not. The closest thing I can muster to any semblance of an

explanation is that Hassan was socially and sexually inept. He had utilized Haboo Hotel as an online chat forum while in middle school and high school, and it was all he was familiar with. He made a grave error when he chose to go on that site again. He met the victim and they became online friends. I don't know what goes through someone's mind when communicating with someone online that you have never met in person. I do not know if it is all a fantasy world and you imagine them to be whatever you want them to be in terms of looks, age, etc. All I know is that Hassan befriended someone who was 9 years younger than he was. The pre-sentence report indicates that Hassan began communicating with the victim when she was 11 years old, but in truth, she was 12, purporting to be 13. However, in the grand scheme of things, it really doesn't matter because she was still a child and Hassan was an adult and the conversation never should have been initiated regardless. Hassan began talking to her as a friend, one of the few friends he had. It was easy for him to talk to her as they never saw each other and she was in a fictional sort of world for him. Unfortunately, at some point in the their online friendship, the communications began to become more personal, and ultimately sex became a topic of conversation.

At this point, Hassan had developed feelings for the victim. He had told her that he was waiting for her to become of age in England and they could have a real adult relationship. He was not telling her this to "groom" her or to make her feel she was special. He told her this because he believed it to be true. This was the first girl that Hassan ever had any sort of relationship with. While it doesn't diminish the atrocity that exists to engage in any type of relationship with a 13-year old girl, when you are nine (9) years older, it certainly distinguishes

you from the types of online predators who prey on victims that are young to accomplish the sick, twisted things they hope to achieve.

Understandably the government will produce portions of chats that are not flattering at all for Hassan, and they should, as it goes to the heart of their case. But there are 1,000s more messages that are sincere and heartfelt, and you can actually see that Hassan was lost and actually believed he was in love with the victim. Again, it is not brought up to understate the severity of the case, as Hassan is guilty as charged and never should have been in this situation to begin with. Rather, I bring it up merely to point out that there is another facet to this sad story, one that is rooted in actual feelings that undeniably distinguishes Hassan from the real online predators out there.

To get a better sense of Hassan, I began to get to know the Khan family through our many meetings in my office over the course of the last nine (9) months. To see the pain that Hassan has caused his family as the realization of what is going to take place at sentencing began to take hold was more than words could describe on paper alone. I felt the only true depiction of what I wanted to have conveyed to Your Honor could be done by video interviews of those closest to him. To this end, I have enclosed a short video that was shot just recently in hopes of conveying the true character of Hassan Khan, as told by member of his family.

I met with the Khan family initially, and as you can expect, they had very little to offer, and were mostly in shock due to their son being arrested by Federal agents. On top of this, Hassan was the only son out of six (6) children. They were very close as a familial unit and these charges floored them. They did not know much, aside from the fact that the son/brother they

knew would never lift a finger to harm a soul. As more details began to emerge, I knew that these allegations were going to rip apart the very fabric that bound this family together. So much so, that his parents asked for his teenage sister Rida, to wear ear plugs during the bail hearing because they did not want her to hear the allegations being lobbied against Hassan. The Hassan that was presented in court at his bail hearing was not the Hassan they have known for almost 30 years. Outside of these charges, and from all appearances, this family was the epitome of the American dream, and their nightmare was only just beginning.

The Khans immigrated to Canada from Pakistan in order to provide a lifestyle for their children that would be enriched with all of the benefits the Western world provided, most notably being that of education. The Khans did not have much money and life was difficult early on, but they knew the sacrifices they made at this stage would pave the way for the rest of their children's lives. They ended up moving from Canada to the United States when the opportunity finally presented itself.

Hassan is one of six children born to Mahpara and Sherjil Khan. Hassan is the second oldest, and the only son. His older sister Maria is a physician, as well as his younger sister Sabine. Wajiha, his next youngest sister is currently slated to start medical school in July of this year. Eesha will be a sophomore at Fordham University and Rida, the youngest, will be a freshman there this fall, both with hopes to continue on to medical school upon graduation.

To read the letters and to meet people that have either grown up with Hassan or come to know him very well tell a story that is night and day different than the Hassan Khan that is scheduled to be sentenced before your Honor on June 24th. The Hassan you will read stories

about from his friends and loved ones is the real Hassan. It is hard to reconcile what Hassan has done with the person that he clearly is. Everything in logic would tell you that you have the wrong person; that his is just a bad dream that you will wake up from and everything will be better in the morning. Unfortunately that is not the case. This is not a bad dream. There is no waking up from this. Tomorrow morning will be the same. Hassan relives this again and again. He is beating himself up for ruining his life and causing the mental pain and suffering that he has undeniably caused to the victim and her parents. He wishes he could take it all back, but he knows that he cannot. He hopes that if nothing else, the victim and her family can take comfort in knowing that he is being punished and will spend at least the next ten (10) years of his life behind bars and will be a registered sex offender for the remainder of his natural life. In addition to this, Hassan will have his medical license revoked by the medical board and he will never practice medicine as long as he lives. These things may seem trivial to some people, but for Hassan, practicing medicine and helping others is the only thing he ever had any desire to do in life. Medicine was his calling in life and he has lost that right – the right to help others thru healing, as a result of this case. He knows this. It is his cross to bear, but it is a mighty cross at that.

I understand that I could fill the next 20 pages with facts and facets of Hassan's life that would tell you what I have already told you up until this point – Hassan was a great guy who is not the person being depicted in this case. But the truth is, the facts are there. Hassan made a series of poor choices, and these choices have very serious consequences. However, one of the factors that are often considered by Judges when sentencing defendants in cases like this is

whether or not they may pose any future danger when released from incarceration. As you have seen from both psychosexual assessments provided by Dr. Kreuger and Shoshanna Must, neither of them believe he is a future danger to anyone. In fact Hassan falls under the 94% of the population for these offenses that will not ever recidivate once released.

Hassan faces a mandatory minimum sentence of ten (10) years imprisonment for this offense. While I do not agree with Congress' decision to impose a mandatory minimum sentence in this case for a whole host of reasons, it doesn't matter. Hassan accepts his punishment. We are simply asking Your Honor to not follow the sentencing range in this case and impose the mandatory minimum sentence allowed by law. Any day more than that would be incongruent with the objectives set forth in 18 USC § 3553.

Hassan is prepared to accept his punishment and eagerly looks forward to the day he can start putting the pieces of his life back together. He looks forward to continuing his therapy as long as it is available to him, as he has gotten a lot of benefit out of it. He truly wants to be a better man, and I commend him for that. I ask that Your Honor consider all of the letters, and attachments, and grant Hassan Khan a sentence of ten years imprisonment for his offense.

/s/ Jeffery L. Greco

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CERTIFICATE OF SERVICE

I do hereby certify that on June 14, 2016, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Jeffery L. Greco